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NOTES AND DOCUMENTS

DOCUMENTS CONCERNING THE CONSULAR SERVICE OF THE UNITED STATES IN LATIN AMERICA, WITH INTRODUCTORY NOTE

The history of the American consular service begins with the epoch-making treaty of amity and commerce between the United States and France which was signed on February 6, 1778. In that treaty these two powers declared that they were anxious to fix "in an equitable and permanent manner the rules which ought to be followed relative to the correspondence and commerce which the two parties desire to establish between their respective countries, States, and subjects. . ." By article twenty-nine of the treaty the two contracting parties mutually granted "the liberty of having each in the ports of the other Consuls, Vice-Consuls, Agents, and Commissaries" whose functions should be regulated by a special agreement.¹ On November 4, 1780, the continental congress appointed William Palfrey consul to France with a salary of fifteen hundred dollars per annum.² Before the constitution of the United States was adopted, commissioners of that nation in Europe had negotiated treaties of amity and commerce with Holland,³ Sweden,⁴ and Prussia,⁵ which contained provisions concerning consuls similar to those in the treaty of 1778 with France. On October 28, 1785, the congress of the confederation adopted a joint resolution declaring that the ministers and chargés of the United States in European countries should "exercise the powers of a consul general" in the countries where they respectively resided.⁶ The first agreement between the United States and a foreign power

¹ W. M. Malloy, *Treaties, conventions, international acts, protocols and agreements between the United States of America and other powers* (Washington, 1910), 1: 468, 478.

² *Journals of the continental congress* (Washington, 1904-), 18: 1009, 1018.

³ Malloy, *Treaties*, 2: 1240.

⁴ *Ibid.*, 1733.

⁵ *Ibid.*, 1495.

⁶ *Secret journals of the acts and proceedings of congress* (Boston, 1821), 3: 595.

regulating the functions and privileges of American consuls and vice-consuls was a convention concluded between the United States and France on November 14, 1788.⁷ Under President Washington consuls, vice-consuls, and commercial agents of the United States were appointed to various countries.⁸ From time to time Secretary of State Jefferson addressed circulars of instruction to these agents. In a circular dated August 26, 1790, Secretary Jefferson undertook to describe the duties of consuls: he declared that one of their functions was to supply their government with "political and commercial information of interest to the United States. . . ."⁹ On April 14, 1792, a law was enacted which aimed to carry into "full effect" the convention between the United States and France. The duties of American consuls, as specified by the act, were mainly concerned with the protection of the interests of citizens of the United States, especially seamen.¹⁰ That act recognized the system established by Washington by which consular appointments were made separate and distinct from diplomatic appointments.

A wide extension was given to the American consular service during the protracted insurrection against Spanish rule in America. That revolution had scarcely begun when the United States initiated the policy of selecting commercial agents to various Spanish colonies in North and South America. The first agent who was selected by the United States for such service in Spanish America was William Shaler. On June 16, 1810, Secretary Smith addressed a letter to Shaler informing him of his appointment as "agent for commerce and seamen" at Vera Cruz. Although Shaler apparently did not serve in that post, yet the letter informing him of his appointment is of interest, as it was evidently used as a model for similar notifications.¹¹ In the midsummer of 1810 Robert K. Lowry was directed to pro-

⁷ Malloy, *Treaties*, 1: 490-496.

⁸ *Journal of the executive proceedings of the senate of the United States* (Washington, 1828-), 1: 37, 40, *passim*.

⁹ Wilbur J. Carr, "The American consular service," in *American journal of international law*, 1: part 2, p. 895.

¹⁰ *United States statutes at large* (Boston, 1850), 1: 254-256. This act is discussed by Carr in the article cited above and by C. L. Jones in *The consular service of the United States* (University of Pennsylvania, *Publications*, series in political economy and public law, no. 18 — Philadelphia, 1906), 4, 5.

¹¹ It is printed page 566 following.

ceed to La Guaira, Venezuela, as agent for commerce and seamen.¹² On June 28, 1810, Joel R. Poinsett was made "Agent for Seamen and Commerce" at the port of Buenos Aires:¹³ on November 18, 1811, he was appointed consul general of the United States for "the Spanish provinces of Buenos Aires, Chile, and Peru."¹⁴ The first person nominated to the senate of the United States for consul in Spanish America was Luis Goddefroy of Montevideo. On April 30, 1811, Secretary of State James Monroe addressed a letter to Goddefroy informing him of his selection as consul of the United States at Buenos Aires, where he was to serve under Poinsett's directions;¹⁵ on November 13, President Jefferson sent to the senate Goddefroy's nomination to that post, but the appointment was not ratified.¹⁶ Nevertheless, the letter from Secretary Monroe to Goddefroy is of interest; for this letter contains the earliest statement made by the government of the United States concerning the duties of a consul in Spanish America. It was apparently to serve instead of Goddefroy that in November, 1811, Poinsett selected William G. Miller to act as vice-consul.¹⁷ During the following years — before President Monroe had signed the act of May 4, 1822, which made an appropriation for diplomatic missions to the independent nations of Spanish America¹⁸ — consuls, or consular agents, of the United States were also stationed at Angostura and Montevideo.¹⁹ In December, 1823,

¹² Lowry's instructions were evidently modeled on Shaler's; on Lowry see W. S. Robertson, "The beginnings of Spanish American diplomacy" in F. J. Turner, *Essays in American history* (New York, 1910), 250-252, 260.

¹³ F. L. Paxson, *The independence of the South American republics* (Philadelphia, 1903), 106, 109.

¹⁴ *Senate executive journal*, 2: 188, 190.

¹⁵ This is printed page 567 following.

¹⁶ *Senate executive journal*, 2: 188, 190.

¹⁷ *Registro oficial de la república Argentina*, 1: 127.

¹⁸ On the recognition of the independence of the Spanish American states, see W. S. Robertson, "The United States and Spain in 1822" in *American historical review*, 20: especially 781-783; and also "The first legations of the United States in Latin America" in *Mississippi valley historical review*, 2: especially 185-189.

¹⁹ At least a draft of a letter from the state department to S. D. Forsyth, August 1, 1820, informing him of his appointment as agent to Angostura, is found in state department manuscripts, bureau of indexes and archives, Despatches to consuls, 2. In 1824, a consulate was located there; on June 14, 1824, Daniel Brent wrote a letter to Alfred Seaton informing him of his appointment as consul to Angostura, *ibid.* With regard to the consulate at Montevideo, on July 28, 1817, Richard Rush, who

Pedro Gual, the secretary of foreign affairs for Colombia, issued an *exequator* to Robert K. Lowry, who after being absent from La Guaira for several years, had returned as consul.²⁰

After the passage of the act of May 4, 1822, by which the United States announced her intention to recognize the independence of the Spanish American republics, consular agents or consuls were sent to other cities in the rising states. The first consul of the United States to serve in Mexico was James Smith Wilcocks, who in November, 1822, was informed of his appointment as "commercial agent" of the United States at Mexico City:²¹ on January 28, 1823, this title was changed to that of consul general, and in the following July the Mexican government granted him an *exequator*.²² On April 19, 1824, Charles Savage was commissioned consul of the United States to Guatemala "and the adjacent places under the same allegiance."²³ David S. Craig was notified of his appointment as "consular commercial agent" to Panama on April 3, 1823.²⁴ About the

was acting as secretary of state, addressed a circular to certain consuls of the United States in South America concerning the trip of the American commissioners Messrs. Rodney and Graham to that continent; among the consuls to whom this circular was sent was William G. Miller, Montevideo, *ibid.*

²⁰ On Lowry's appointment as consul in 1823, see *Senate executive journal*, 3: 337, 338. On December 22, 1823, Secretary Gual sent to R. C. Anderson, the American minister at Bogotá, an *exequator* for Consul Lowry, state department manuscripts, bureau of indexes and archives, Despatches from Colombia, 3.

²¹ A draft of a letter from the state department to Wilcocks, November 21, 1822, informing him of his duties, is found in state department manuscripts, bureau of indexes and archives, Manuscripts to consuls, 2.

²² *Senate executive journal*, 3: 318, 328; *La diplomacia mexicana*, 2: 93. From 1823 to 1828 consuls of the United States were also stationed at Aguatulco, Vera Cruz, Acapulco, Tampico, Saltillo, Chihuahua, Santa Fé, Refugio, San Antonio, Mazatlan, Campeche, and Guazaculco, *List of the ministers, consuls, and other diplomatic and commercial agents of the United States in foreign countries, December 15, 1828* (bureau of indexes and archives, department of state), 6-8; the drafts of the letters from the department of state to these consuls notifying them of their appointments are found in state department manuscripts, bureau of indexes and archives, Despatches to consuls, 2 and 3. In March, 1822, William Taylor was made consular commercial agent of the United States at Vera Cruz: the Mexican government granted him an *exequator* as consul in May following, see *La diplomacia mexicana*, 2: 343; but he was not appointed as consul until January 28, 1823, *Senate executive journal*, 3: 318, 328.

²³ *Senate executive journal*, 3: 318, 328.

²⁴ A draft of a letter from the state department to Craig, April 3, 1823, informing him of his appointment, is found in state department manuscripts, bureau of in-

same time, consular agents were appointed to various ports in South America. On August 17, 1822, John M. Macpherson was appointed "consular commercial agent" to Carthagena,²⁵ a title which on April 19, 1824, was changed to that of consul.²⁶ On June 16, 1824, William Wheelright was commissioned consul at Guayaquil;²⁷ his appointment was confirmed by the senate on January 10, 1825.²⁸ The first consul of the United States in Peru was William Tudor, who was appointed in that capacity to Lima on December 9, 1823; on December 20, 1824, the Peruvian government granted him an *exequator*.²⁹ On February 16, 1825, Daniel Wynne was appointed consul to Santiago de Chile.³⁰

After the invasion of Portugal by Napoleon compelled the House of Braganza to flee from Lisbon to Rio de Janeiro, the government of the United States appointed consuls to San Salvador, Maranhao, Pernambuco, and Rio de Janeiro.³¹ Soon after the United States recognized the independence of Brazil from Portugal,³² Leonard Corning was appointed consul to Maranham,³³ while Phineas Bond was appointed consul to Montevideo,³⁴ in the *Banda Oriental del Uruguay*. As the *Banda Ori-*

dexes and archives, Despatches to consuls, 2. On December 27, 1827, William Radcliffe was appointed consul to Panama, *Senate executive journal*, 3: 520, 583.

²⁵ State department manuscripts, bureau of indexes and archives, Despatches to consuls, 2.

²⁶ *Senate executive journal*, 3: 360, 372.

²⁷ A draft of a letter to Wheelright, June 16, 1824, informing him of his appointment, is found in state department manuscripts, bureau of indexes and archives, Despatches to consuls, 2.

²⁸ *Senate executive journal*, 3: 399, 404.

²⁹ *Ibid.*, 342, 344; J. F. Blanco, *Documentos para la historia de la vida pública del libertador de Colombia, Perú, y Bolivia* (Caracas, 1875-1877), 9:469. About two years after the appointment of Tudor, W. F. Taylor was appointed consul to Quilca and Arica, *Senate executive journal*, 3: 460, 469.

³⁰ *Ibid.*, 413, 415.

³¹ *Ibid.*, 2: 119, 120; 3: 61, 68, 143, 150, 337, 338.

³² On the recognition of the independence of Portugal by the United States see W. S. Robertson, "The first legations of the United States in Latin America," in *Mississippi valley historical review*, 2: 206-210.

³³ Corning was appointed March 7, 1825, *Senate executive Journal*, 3: 437, 443.

³⁴ Bond was appointed February 16, 1825, *ibid.*, 413, 415. Soon after Bond's appointment consulates were established at Para and Rio Grande, *ibid.*, 560, 567. On September 15, 1825, Condé Raguét, chargé d'affaires of the United States to the Brazilian empire, wrote to Secretary of State Henry Clay stating that he had transmitted Corning's commission to the Brazilian minister of foreign affairs, who had told him that an *exequator* would be at once issued to Corning, see state department manuscripts, bureau of indexes and archives, Despatches from ministers, Brazil 4.

ental was recognized as an independent and sovereign state by the United Provinces of la Plata and Brazil according to a treaty dated August 27, 1828,³⁵ Phineas Bond consequently became consul to Uruguay. A special circular addressed to the consuls of the United States in Latin American states by Secretary of State Martin Van Buren furnishes a suggestive commentary upon the conduct of the consular agents of the United States in Latin America.³⁶ More nearly than any other diplomatic document of the period from 1810 to 1830 does this circular partake of the nature of special instructions to Latin American consuls.³⁷

WILLIAM SPENCE ROBERTSON

R. SMITH, SECRETARY OF STATE, to WILLIAM SHALER, June 16, 1810³⁸

"SIR,

"The Commerce between the United States of America and the Province of Mexico rendering the Establishment of a Consul there of considerable importance and as the authorities thereof may possibly refuse to give a public recognition and character to a Consul of the United States, it has been thought proper and suitable under present circumstances to vest you and you are accordingly invested with the character of Agent for Seamen and Commerce in the Port of Vera Cruz and all other ports in the said Province. Your own regard to the public service will induce you to attend to the commercial and other concerns of our Citizens in all the cases where they would fall under the patronage of a Consul, and you may appoint deputies wheresoever it may be found necessary in your district being yourself responsible for their acts. A copy of the standing consular instructions is enclosed, and also copies of several circular letters to Consuls, containing directions for the execution of the consular office, all of which you will attend to as far as they can be a useful guide."

³⁵ *Registro oficial de la república Argentina*, 2: 226-229.

³⁶ The sympathy which Van Buren showed in the reform of the consular service in 1830 is shown in *Senate executive document no. 57*, 21 Cong., 2 sess., 1-3. See further *Calendar of the papers of Martin Van Buren* (Washington, 1910), 171, and the circular which he addressed to consuls June 23, 1829, in regard to smuggling, state department manuscripts, bureau of indexes and archives, Despatches to consuls, 3.

³⁷ This circular is printed page 567-568 following.

³⁸ State department manuscripts, bureau of indexes and archives, Despatches to consuls, 1.

JAMES MONROE, SECRETARY OF STATE, TO LUIS GODDEFROY, "CONSUL FOR BUENOS AYRES AND THE PORTS BELOW IT ON THE RIVER PLATE,"

April 30, 1811³⁹

"SIR,

"You will receive herewith a Commission from the President of the United States appointing you consul for Buenos Ayres and the ports below it on the River Plate, a copy of the standing consular instructions accompanies it, and of several circular letters to consuls containing directions for the execution of the consular duties, all of which you will attend to, as far as they can be a useful guide.

"The President having already appointed Mr. Poinsett Agent for Seamen and Commerce for Buenos Ayres, and for several other ports in South America, it is not intended to interfere by the Commission given you with his powers or duties. I enclose to you for him a Commission of Consul General which you will be so good as to deliver or forward to him on your arrival at Buenos Ayres. You will readily perceive the relation which is thus formed between you in the district to which your authority extends, and you will observe it. The President entertains full confidence that in the discharge of your respective duties, the utmost harmony will prevail between you, and a zealous co-operation to promote the interests of the United States.

"It will be highly satisfactory to me to hear from you often and to receive a detail of such events in Buenos Ayres, and other parts of South America as the United States cannot fail to take a deep interest in."

"CIRCULAR TO THE CONSULS OF THE UNITED STATES IN THE SOUTH AMERICAN, AND UNITED MEXICAN STATES"⁴⁰

"DEPARTMENT OF STATE, WASHINGTON, 26th. May, 1830.

"SIR,

"It is at all times the duties of Consuls in Foreign States, exercising the functions and enjoying the privileges attached to their offices, scrupulously to abstain from all participation whatever, direct or indirect,

³⁹ State department manuscripts, bureau of indexes and archives, Despatches to consuls, 1.

⁴⁰ *Ibid.*, 3, following is a list of the consuls to whom it was addressed, namely: in Mexico: J. S. Wilcocks, Mexico City; G. R. Robertson, Tampico; T. Reiley, Aguatuleo; H. Gregg, Acapulco; W. Taylor, Vera Cruz and Alvarado; D. W. Smith, Refugio; J. W. Laugham, Chihuahua; J. Davis, Santa Fé; J. W. McGoffin, Saltillo; H. Perrine, Campeche; J. L. Kennedy, Mazatlan; J. W. E. Wallace, San Antonio; W. Keith, Guayamas; in Central America: C. Savage; in Colombia: T. F. Knox, Angostura; J. M. Macpherson, Carthagená; J. G. A. Williamson, La Guaira; W. I. Seaver, Santa Marta; A. B. Nones, Maracaibo; F. Litchfield, Porto Cabello; S. K. Everett, Panama; in Peru: W. F. Taylor, Quilca and Arica; A. Worthington, Lima; in Chile: M. Hogan, Valparaiso; D. Wynne, Santiago; in Brazil: W. H. D. C.

in the political concerns of the Countries to which they are appointed, and by whose Governments they are severally acknowledged and recognized in their public characters; but it is at the same time no less their duty to report freely and seasonably to their own Governments all important *facts* which may come to their knowledge, thro' authentic channels, touching the political condition of these countries, especially if their communications can be made subservient to, or may affect the interests and well being of their own.

“From the disturbed and unsettled condition of the Republics of the South American and United Mexican States, and the excitement there prevailing, it is especially desirable that the Consuls of the United States in those States should forbear intermeddling with their political or local affairs in the smallest degree whatever, and that they should be equally on their guard against the enlistment of their feelings or sympathies upon the side of any of the political or sectional parties which divide them at the present time. In their letters, even to this Department upon such subjects they will confine themselves to the communication of important or interesting public events, as they occur, in as concise and succinct a form as may be convenient, avoiding all unnecessary reflections or Criticism upon the characters or conduct of Individuals; and they will on no occasion give publicity, thro' the press, to opinions or speculations injurious to the public institutions of those Countries or the persons concerned in the administration of them.

“These Instructions are suggested, as much by the nature and style of the communications, themselves, which are occasionally received at this Department from some of the Consuls of the United States, in the regions and upon the topics referred to, which communications abound in epithets of unqualified obloquy and disapprobation, and to the character and views of distinguished public men in those Countries, as by the general propriety and utility of the rules prescribed by them, for the observance of yourself and of your Colleagues in the South American and United Mexican States.”

(Signed) M. VAN BUREN.

Wright, Rio de Janeiro; W. Odlin, San Salvador; J. T. Mansfield, Pernambuco; A. R. Smith, Para; C. B. Allen, Maranham; I. A. Hayes, Rio Grande; G. Black, Santos; in Uruguay: J. Bond, Montevideo.